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7 *Tara Carpenter, E.K. McDaniel,*
and Mark Sorci

8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 GEOFFREY GROVE,

12 Plaintiff,

13 v.

14 E.K. MCDANIEL, et al.,

15 Defendants

Case No. 3:17-cv-00245-RCJ-CBC

**MOTION FOR EXTENSION OF TIME
TO FILE DISPOSITIVE MOTIONS**

(Fourth Request)

16
17 Defendants, Tara Carpenter, E.K. McDaniel, and Mark Sorci (Defendants), by and
18 through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Ian E.
19 Carr, Deputy Attorney General, hereby submit their Motion for Extension of Time to File
20 Dispositive Motions (Fourth Request). This Motion is based on Federal Rule of Civil
21 Procedure 6(b)(1)(A), the following Memorandum of Points and Authorities, and all
22 papers and pleadings on file in this action.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. ARGUMENT**

25 Defendants respectfully request a sixty (60) day extension of time out from the
26 current deadline (August 7, 2019) to file dispositive motions in this case. Defense counsel
27 is in the process of winding down or transferring most assigned cases, and his last official
28 day representing the Nevada Department of Corrections (NDOC) in full capacity is July

31, 2019. Defense counsel requests this extension to ensure that his successor will have enough time to familiarize himself or herself with the case.

Furthermore, defense counsel submits that this Division has experienced a wave of recent retirements and departures. Although the Division is depleted, new Deputy Attorneys General (DAGs) should be arriving in early August to help restore normal functionality. Defense counsel respectfully requests this extension to accommodate the new arrivals and the Division during this transition period.

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants' request is timely and will not hinder or prejudice Plaintiff's case, but will allow for a thorough briefing to narrow or eliminate issues in this case. The requested sixty (60) day extension of time should permit the parties time to adequately research draft, and submit dispositive motions in this case. Defendants assert that the requisite good cause is present to warrant the requested extension of time.

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2 For these reasons, Defendants respectfully request a sixty (60) day extension of
3 time from the current deadline to file dispositive motions in this case, with a new
4 deadline to and including Monday, October 7, 2019 (considering the adjustment from a
5 last non-business day pursuant to Federal Rule of Civil Procedure 6(a)(1)(C).

6 DATED this 26th day of July, 2019.

7 AARON D. FORD
8 Attorney General

9 By: 
10 IAN E. CARR
11 Deputy Attorney General
12 State of Nevada

13 Public Safety Division

14 *Attorneys for Defendants*

15 IT IS SO ORDERED:

16 
17 U.S. MAGISTRATE JUDGE

18 DATED: 7/29/2019
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 26th day of July, 2019, I caused a copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTIONS (Fourth Request)**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

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Lovelock, Nevada 89419
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An employee of the
Office of the Attorney General